

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

XL SPECIALTY INSURANCE COMPANY,

Plaintiff,

v.

PRESTIGE FRAGRANCES, INC.,

Defendant.

PRESTIGE FRAGRANCES, INC.,

Counterclaim-Plaintiff,

v.

XL SPECIALTY INSURANCE COMPANY,

Counterclaim-Defendant.

Civil Action No.: 1:18-cv-00733

NOTICE OF MOTION

PLEASE TAKE NOTICE, that upon the January 14, 2019 Motion, Memorandum of Law, Statement of Facts and Declarations submitted therewith, Plaintiff and Counterclaim-Defendant XL Specialty Insurance Company (“XL”) by and through its undersigned attorneys, will move this Court, pursuant to Rule 56 of the Federal Rules of Civil Procedure, **on a date and time to be determined by the Court**, for an order:

1. Granting summary judgment to XL on its Amended Complaint and entering judgment that the following insurance policies issued to Prestige Fragrances, Inc. are rescinded and void ab initio: Policy Number UM00031200MA14A; Policy Number UM00031200MA15A; and Policy Number UM00031200MA16A; and

2. Dismissing with prejudice all counts and causes of action asserted in the Third Amended Counterclaim of Defendant and Counterclaim Plaintiff Prestige Fragrances, Inc.

January 14, 2019

Respectfully submitted,

GOLDBERG SEGALLA LLP

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CERTIFICATE OF SERVICE

I hereby certify that on January 14, 2019, Plaintiff XL Specialty Insurance Company's Motion for Summary Judgment, Memorandum of Law and Statement of Facts and Declarations in support thereof were served by Federal Express and email upon counsel of record listed below:

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/s/ Louis H. Kozloff

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